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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,286	10/06/2000	Eric N. Paton	ENP-101	8985

24117 7590 09/04/2003

ERIC PATON  
498 RIO GRANDE CT  
MORGAN HILL, CA 95037

EXAMINER

NOLAND, THOMAS

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

VS

# Office Action Summary

Application No.

09/180,282

Applicant(s)

Paton

Examiner

Tom N. L.

Group Art Unit

2876

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 12/25/02; 12/4/02; & 4/4/03

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 18-33 is/are pending in the application.

Of the above claim(s) is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☒ Claim(s) 18-33 is/are rejected.

☐ Claim(s) is/are objected to.

☐ Claim(s) are subject to restriction or election requirement

## Application Papers

☒ The proposed drawing correction, filed on 10/25/02 is ☐ approved ☒ disapproved.

☒ The drawing(s) filed on 10/27/02 is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8, filed 10/21/02 ☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

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1. The amendments filed Oct. 25, 2002 and Dec. 4, 2002 have been entered.
2. The substitute declaration filed Oct. 25, 2002 has been entered.
3. The corrected or substitute drawings were received on Oct. 25, 2002. These drawings are not acceptable.

The association of the added box in Fig. 3 with box element 13 is unclear.

4. Claims 18-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what is meant by "capital goods" in line 2 of claim 18. In line 3 it is unclear what is meant by "critical parameters related to chemical/ material analysis techniques". I.e. how do they differ from measurements not related to such techniques?

5. Claims 18-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moslehi US 5,270,222 in view of (Renken et al US 5,967,661 or Melcher US 5,015,951).

Moslehi does not disclose attaching sensors, recording device and energy source to a surface of the capital good (semiconductor wafer) being monitored. However it is well known to incorporate such features into semiconductors and thus they obviously could have been in the

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system of Moslehi especially in view of the teaching of incorporation of sensors or sensing structure on material in either Renken et al (note especially Fig. 9) and Melcher. It is noted that temperature as monitored by Renken can be considered a critical parameter. Use of such element placement in Moslehi would have obviously eased measuring by avoid signal transmission delays, etc. The various electronic components and memory systems, etc. appear to be all well known of general utility and could thus obviously have been incorporated thereinto. Isolation from external hostile environments is a known expedient to protect the equipment and get more accurate measurements. One of ordinary skill would have been able to monitor in liquid environments since techniques for monitoring such environments appear to be well known.

6. Applicant's arguments with respect to claims 18-33 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Noland whose telephone number is (703) 305-4765. The examiner can normally be reached on weekdays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached on (703) 305-4705.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

9/2/03

**Thomas P. Noland**  
**Primary Examiner**  
**Art Unit 2856**



Noland/ek  
08/27/03